

The petitioner brought this action seeking relief pursuant to Title 28, United States Code, Section 2241. On October 21, 2005, the United States of America filed a motion to transfer venue and/or dismiss the case. By order of this court filed October 24, 2005, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the petitioner was advised of the summary dismissal procedure and the possible consequences if he failed to respond adequately. On November 9, 2005, the South Carolina Department of Mental Health filed a motion to dismiss. A second *Roseboro* order was filed on November 10, 2005. Despite receiving two copies of the explanation regarding the possible consequences of failing to respond, the petitioner did not not respond to either motion.

As the petitioner is proceeding *pro se*, the court filed a second order on January 4, 2006, giving him an additional 20 days in which to file his response to the motions to dismiss. The petitioner was specifically advised that if he failed to respond, this action would be dismissed for failure to prosecute. The petitioner elected not to respond.

Based on the foregoing, it appears the petitioner no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989), *cert. denied*, 493 U.S. 1084 (1990).

s/William M. Catoe
United States Magistrate Judge

February 2, 2006

Greenville, South Carolina